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EXHIBIT 11

DECLARATION OF EUGENE SCOTT

I, Eugene Scott, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am over the age of 21, competent to testify and if called to testify would do so consistent with all matters set forth herein.
2. I worked as a call center employee for IBM from 98 to 2007.
3. I worked out of IBM's call center located at RIVEREDGE Atlanta, Georgia.
4. As a call center employee, I was typically scheduled to work approximately 40 hours per week.
5. IBM had a policy which required me and other call center employees to arrive at work before our scheduled shifts began so that we could boot up our computers and start any computer applications that we would need for the job. Pursuant to this policy, I and other call center employees were not allowed to clock-in to work until our scheduled shifts began. I was not paid for any of the work I did before my scheduled shift began.
6. IBM also had a policy which required me and other call center employees to remain after our scheduled shifts ended to complete calls we were handling. Pursuant to this policy, I and other call center employees were required to continue working after our scheduled shifts ended. I was not paid for the work I did after my scheduled shift ended.
7. I and other call center employees regularly worked approximately 45 hours per week without meal or rest breaks.
8. IBM caused me and other call center employees to work "off the clock", which no doubt resulted in a savings in labor costs and payroll for the company.
9. IBM required me and other call center employees to work "off the clock," on average, approximately 5 hours per week.
10. IBM's time records did not accurately reflect the actual time I worked each week.
11. IBM knew that I and the other call center employees were regularly working "off-the-clock." IBM directed us to work "off-the-clock" and told us it was part of the job.
12. I was not paid overtime compensation for all the time I worked in excess of 40 hours in a workweek.

13. All of the other call center employees were subject to the same policies described above and were therefore required to work off-the-clock. I know this because: 1) I personally observed them working before clocking-in in the morning and after clocking-out in the evening; 2) IBM informed me and the other call center employees, both verbally at meetings and via mass emails, that we were required to work "off the clock" without overtime compensation as described above; and 3) I talked to other call center employees who informed me that they also were performing off-the-clock work both before and after their shifts and did not receive overtime compensation for these hours consistent with IBM's policies as described above.

DATED: 5-5-, 2008.

Eugene K. Scott

Sign Name

EUGENE K. SCOTT

Print Name